

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
04-CR-305A

MICHAEL J. CULLIGAN,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On July 14, 2006, defendant filed an omnibus motion. On April 19, 2007, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motions to dismiss the Superseding Indictment, to dismiss Counts Four and Five, and to suppress evidence be denied in their entirety.

Defendant filed objections to the Report and Recommendation on July 10, 2007, and the government filed a response on August 2, 2007. Oral argument on the objections was held on August 26, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motions to dismiss the Superseding Indictment, to dismiss Counts Four and Five, and to suppress evidence are denied in their entirety.

The parties shall appear at 9:00 a.m. on November 2, 2007 for a meeting to set a trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 1, 2007